

REMARKS

The present communication responds to the Final Office Action of September 12, 2006 in which the Examiner allowed claims 3, 6-9 and 27-34, rejected claims 1, 2, 4, 5 and 10-21, and objected to claims 22-26. Claims 1, 2, 4, 5 and 10-21 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication 2003/0004467 ("Musick et al.").

The allowance of claims 3, 6-9 and 27-34 is appreciated, as is the indication of allowable subject matter in claims 22-26, which have been rewritten in independent form.

Claims 1 and 18 have been amended, without acquiescing to the rejections, to help more clearly claim the invention. No new subject matter has been added to the claims. Support for amended claims 1 and 18 can be found in general throughout the specification and in particular, for example, at page 9, lines 15-20.

Reconsideration is requested.

Allowable Subject Matter

The Applicants thank the Examiner for allowing claims 3, 6-9 and 27-34.

Claims 22-26 were objected to as being dependent upon a rejected base claim, but the Examiner indicated they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 22-26 have been rewritten in independent form and are, therefore, in condition for allowance.

Rejection under 35 U.S.C. § 102

Claims 1, 2, 4, 5 and 10-21 were rejected under 35 U.S.C. § 102(e) as anticipated by Musick et al.

Applicant respectfully traverses the § 102(e) rejection.

Amended claim 1 is directed to an administering apparatus with a dosage display, including a casing including a front casing section and a rear casing section, and a reservoir for a fluid product, wherein the front casing section and the rear casing section are plugged into each other along a common central longitudinal axis, in a non-releasable connection, whereby the front casing section and the rear casing section cannot be moved relative to each other, either axially or rotationally about the longitudinal axis, a driven device which acts on the product contained in the reservoir, in order to deliver product, a dosing means, using which a product dosage to be delivered can be selected, and which includes a dosage scale with a number of dosage marks axially spaced out from each other, and a drive device coupled to the driven device for driving the driven device, the drive device performing a delivery stroke from an initial position, in a drive direction, up to a delivery stopper, the length of the delivery stroke counter to the drive direction being limited by selecting the product dosage by means of the dosing means, wherein the casing is transparent, at least in an area overlapping the dosage scale; and wherein the drive device carries an indicator marking, in order to indicate the initial position of the drive device through the transparent area of the casing, relative to the dosage marks.

Amended claim 18 is directed to an administering apparatus with a dosage display, including a casing, a reservoir for a fluid product, a driven device which acts on the product, a dosing means for selecting a product dosage to be delivered including a dosage scale including a number of dosage marks axially spaced from each other, and a drive device coupled to the driven device for driving the driven device, wherein the casing includes a front casing section and a rear casing section, wherein the front casing section and the rear casing section are plugged into each other along a common central longitudinal axis, in a non-releasable connection, whereby the front casing section and the rear casing section cannot be moved relative to each other, either axially or rotationally about the longitudinal axis, wherein the casing is transparent at least in an area overlapping the dosage scale, and wherein the drive device carries an indicator marking indicating the initial position of the drive device and viewable through the transparent area of the casing.

Examiner has asserted on page 2 of the Office Action that Musick et al. “shows an administering apparatus with a dosage display having a casing with a front casing section 7, rear

casing section 6, reservoir 11, driven device 8, dosing means 3 and drive device 5.” To the contrary, Musick et al. actually discloses a driver for use with administering multiple doses of a compound contained in a cartridge including a base 7, containing an internal female thread 14 and an oblong plate extension which is used to apply thumb pressure to a plunger 3, attached to a dual-chambered cartridge 2, and further discloses a position selector 6, which also serves as a sleeve housing for the plunger 3 which extends through the position selector 6 and is attached to the proximal septum 8 of the dual-chambered cartridge 2. (*See* Musick et al. page 4, paragraph [0031].)

Musick et al. does not disclose a front casing section and a rear casing section, wherein the front casing section and the rear casing section are plugged into each other along a common central longitudinal axis, in a non-releasable connection, whereby the front casing section and the rear casing section *cannot be moved* relative to each other, either axially *or rotationally* about the longitudinal axis. Instead, Musick et al. discloses that “the threaded position selector (6) is externally threaded with a pitch identical to that of the base (7),” (Musick et al. page 4, paragraph [0031].) and that the “screw-driven plunger displacement is activated by clockwise rotation of the position selector as shown in FIG. 4.” (*Id.*, at page 3, paragraph [0026].) Therefore, position selector 6 is moved rotationally relative to the base 7 and Musick et al. fails to disclose each of the elements of amended claims 1 and 18.

For at least the preceding reasons, the rejection of claims 1 and 18 under 35 U.S.C. § 102(e) should be reconsidered and withdrawn. Of course, the right to demonstrate that Musick et al. is not prior art by date or otherwise is reserved.

Rejection of the Dependent Claims

Because claims 2, 4, 5 and 10-17 and 19-21 depend directly or indirectly from the independent claims and incorporate all the limitations of the corresponding independent claims, they are allowable for the same reasons and, further, in view of their additional recitations.

Conclusion

This paper generates a fees for additional claims. The Commissioner is hereby authorized to charge the necessary fees to Deposit Account No. 04-1420.

The Commissioner is also hereby authorized to charge any deficiencies and credit any overpayments associated with this paper to Deposit Account No. 04-1420.

This application now stands in allowable form, and reconsideration and allowance are requested.

Respectfully submitted,

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